

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY
PETITION NO. 27 OF 2007.

Re : Lennece Remedies & others Debtors.

Ex-parte :

Mr. Anil Ghisalal Shah Petitioning Creditor.

Mr. Ramesh C. Jain, Advocate for Petitioning Creditor.

CORAM : A. M. KHANWILKAR, J.
DECEMBER 18, 2007.

P. C.

1. The present Petition is founded on the decree passed by the Court against debtors on 10th December 2003 in Summary Suit No. 6189 of 2003. As the debtors failed to pay the amount, Insolvency Notice No. 197 of 2006 dated 20th September 2006 was issued, which was duly served on the debtors on 5th October 2006. In spite of service, debtors failed to pay the decretal amount. In that sense, act of insolvency was completed on 10th November 2006.

2. As the debtors failed to pay the amount or offer any explanation for non-payment, Petitioning Creditor has had no option but to take out the present action, which has been filed on 24th January 2007. The debtors have been duly personally served on 9th May 2007 with substituted notice in the present action, as per the liberty given to the Petitioning Creditor to effect service by substituted mode. In spite of such service, none appears for the debtors today though they had made appearance in the Court on the earlier occasion. No reply has been filed. As no explanation has been offered on behalf of the debtors, Petition ought to succeed in terms of prayer clauses (a) and (b).

. Ordered accordingly.

A. M. KHANWILKAR J.